



Entered on Docket  
August 09, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
USA CAPITAL REALTY ADVISORS,  
LLC,  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007  
Time: 9:30 a.m

**Affecting:**

☐ All Cases

**or Only:**

- ☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**ORDER SUSTAINING TENTH OMNIBUS OBJECTION OF THE USACM  
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS EXCEPT  
PROOF OF CLAIM NO. 10725-2326 FILED BY L. EARLE ROMAK**

The USACM Liquidating Trust (the “USACM Trust”) filed its Tenth Omnibus Objection to Claims Asserting Secured Status [DE 3151] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. A Response to the Objection was filed with this Court as follows:

- Opposition filed by L. Earle Romak IRA (The Mantas Group) regarding Claim No. 10725-2326 [DE 3507]. An Order Approving Stipulation with counsel allowing the claim as an unsecured claim, albeit subject to further objection, was signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted L. Earle Romak’s claim from the exhibit to the Tenth Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

**ORDERED:**

- Sustaining the USACM Trust’s Tenth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

*Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

APPROVED/DISAPPROVED

**BOLICK & BOYER**

By: \_\_\_\_\_  
Erven T. Nelson  
*Attorneys for Leo G. Mantas and Others*

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)  
Susan M. Freeman  
Rob Charles  
*Attorneys for USACM Liquidating Trust*

**10th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims**

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10725-00017	6/2/2006	\$50,933.34	S
2	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10725-00018	6/2/2006	\$50,972.22	S
3	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10725-00019	6/2/2006	\$50,933.34	S
4	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10725-00020	6/2/2006	\$50,933.34	S
5	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10725-00021	6/2/2006	\$37,860.24	S
6	Fanelli, John & Joanettedi 47 Barrett Rd Greenville, NH 03048-3305	10725-01347	11/13/2006	\$150,000.00	S
7	Fanelli, Mark 244 Prospect St Leominster, MA 01453	10725-01380	11/13/2006	\$100,000.00	S
8	Fanelli, Mark 244 Prospect St Leominster, MA 01453-3004	10725-01381	11/13/2006	\$116,635.00	S
9	Faradjollah, Jack 10851 Furlong Dr Santa Ana, CA 92705	10725-00718	10/25/2006	\$79,003.38	S
10	Feld, Jane 1141 Grand Ave Oroville, Ca 95965	10725-00452	10/5/2006	\$48,047.32	S
11	Feldman, Benjamin 1 St Marys Ct Rancho Mirage, CA 92270	10725-00363	10/2/2006	\$23,236.98	S
12	Ferguson Living Trust Dtd 6/28/00 C/O Patricia Ferguson Ttee 3985 Lake Placid Dr Reno, Nv 89511-6780	10725-01742	12/7/2006	\$150,000.00	S

<b>13</b>	Fernandes, Christopher 4001 Oak Manor Ct Hayward, CA 94542	10725-00526	10/10/2006	\$93,287.54	S
<b>14</b>	Fernandes, Dionisio A & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10725-00523	10/10/2006	\$244,646.92	S
<b>15</b>	Fernandes, Jason D & Fiola 4001 Oak Manor Ct Hayward, CA 94542-1445	10725-00524	10/10/2006	\$151,359.38	S
<b>16</b>	Fernandes, Melissa 4001 Oak Manor Ct Hayward, CA 94542	10725-00525	10/10/2006	\$116,143.68	S
<b>17</b>	Ferraro, Stanley & Florence 2300 Airland St Las Vegas, NV 89134-5317	10725-01734	12/11/2006	\$60,000.00	S
<b>18</b>	Fine IRA, Lewis H & Arlene J C/O First Trust Of Onaga Ks Po Box 487 Oakley, UT 84055-0487	10725-01533	12/4/2006	\$44,253.44	S, P
<b>19</b>	Fine IRA, Lewis H & Arlene J C/O First Trust Of Onaga Ks Po Box 487 Oakley, UT 84055-0487	10725-01535	12/4/2006	\$151,909.69	S, P
<b>20</b>	Fine, Lewis H & Arlene J Po Box 487 Oakley, UT 84055-0487	10725-01531	12/4/2006	\$6,955.74	S
<b>21</b>	Fine, Lewis H & Arlene J Po Box 487 Oakley, UT 84055-0487	10725-01532	12/4/2006	\$80,000.00	S
<b>22</b>	Fine, Lewis H & Arlene J Po Box 487 Oakley, UT 84055-0487	10725-01534	12/4/2006	\$40,089.59	S, P
<b>23</b>	Fine, Lewis H & Arlene J Po Box 487 Oakley, UT 84055-0487	10725-01536	12/4/2006	\$108,266.64	S, P
<b>24</b>	Finnman Family Trust Martha Ann Lutz Ttee 2712 Eastern Pkwy Winterpark, FL 32789	10725-00790	10/27/2006	\$350,000.00	S
<b>25</b>	First Savings Bank Custodian For Jocelyne Helzer IRA 115 South Deer Run Rd Carson City, NV 89701	10725-02230	1/12/2007	\$18,269.00	S, U

<b>26</b>	First Savings Bank Custodian For John A M Handal IRA 3575 Siskiyou Ct Hayward, CA 94542	10725-02285	1/12/2007	\$253,672.92	S, U
<b>27</b>					
<b>28</b>	First Savings Bank Custodian For Randy Sanchez Ira 5713 N White Sands Rd Reno, Nv 89511	10725-02217	1/12/2007	\$347,031.95	S,U
<b>29</b>	First Savings Bank Custodian For Richard W Gilmour PO Box 1241 Camano Island, WA 98292-1241	10725-01864	1/10/2007	\$160,697.26	S, U
<b>30</b>	First Savings Bank Custodian For Robert G Fuller IRA 5172 English Daisy Way Las Vegas, NV 89142	10725-02096	1/11/2007	\$108,272.33	S, U
<b>31</b>	First Savings Bank Custodian Of John W Brouwers Md Trust Department 2605 E Flamingo Las Vegas, NV 89119	10725-00175	9/1/2006	\$50,895.83	S
<b>32</b>	First Savings Bank Custodian Of The Paul Bloch Ira Trust Department 2605 E Flamingo Las Vegas, NV 89119	10725-00172	8/28/2006	\$152,687.50	S
<b>33</b>	First Savings Bank Trust Department 2605 E Flamingo Rd Las Vegas, NV 89119	10725-00163	8/28/2006	\$101,493.06	S
<b>34</b>	First Savings Bank Trust Department 2605 E Flamingo Rd Las Vegas, NV 89119	10725-00193	9/8/2006	\$101,493.06	S
<b>35</b>	Florence Bolatin Living C/O Florence Bolatin Ttee 2105 Diamond Brook Ct Las Vegas, NV 89117-1866	10725-01156	11/9/2006	\$110,712.00	S
<b>36</b>	Florence Bolatin Living C/O Florence Bolatin Ttee 2105 Diamond Brook Ct Las Vegas, Nv 89117-1866	10725-01156	11/9/2006	\$110,712.00	S

37	Folendorf, Tad Po Box 1 Angels Camp, Ca 95222	10725-00326	9/29/2006	\$50,000.00	S
38	Fontana, Steffi 16400 Saybrook Ln Spc 111 Huntington Beach, CA 92649-2268	10725-00739	10/26/2006	\$54,437.00	S
39	Ford, Tomie S 335 Desert Meadow Ct Reno, NV 89502-8725	10725-00583	10/13/2006	\$60,000.00	S
40	Fossati, David C/O Martin P Meyers 1000 Sw Broadway #1400 Portland, Or 97205	10725-00898	11/1/2006	\$57,609.00	U P, S - undetermined
41	Fossati, David C/O Martin P Meyers 1000 Sw Broadway Ste 1400 Portland, OR 97205	10725-00106	8/10/2006	Unknown	S, P, U
42	Foxcroft Living Trust Dtd 1/10/02 Fred J & Roberta Foxcroft Ttees Po Box 362 Carnelian Bay, CA 96140-0362	10725-00418	10/3/2006	\$553,778.99	S
43	Foxcroft, David 2605 E Flamingo Rd Las Vegas, NV 89121	10725-00726	10/26/2006	\$60,000.00	S
44	Francis Family Trust Dtd 11/10/98 Bruce & Tamara Francis Ttee 2360 E Mallory Cir Mesa, AZ 85213	10725-00176	9/1/2006	\$50,895.83	S
45	Fraser Atwater Properties Llc Edward Fraser 14220 Sorrel Ln Reno, NV 89511	10725-00135	8/11/2006	\$25,000.00	S U - Unknown amount
46	Fraser IRA, Edward C 14220 Sorrel Ln Reno, NV 89511	10725-00141	8/15/2006	\$25,000.00	S U - Unknown amount
47	Fraser IRA, Edward C 14220 Sorrel Ln Reno, NV 89511	10725-00143	8/15/2006	\$56,000.00	S U - Unknown amount
48	Fraser, Edward & Marge 14220 Sorrel Ln Reno, NV 89511-6744	10725-00104	8/11/2006	\$28,000.00	S U - Unknown amount

<b>49</b>	Fred & Kellee Kempf Trust C/O Marius & Mary A Kempf Ttees 2560 Forest City Dr Henderson, Nv 89052-6951	10725-00433	10/4/2006	\$106,000.00	S
<b>50</b>	Fred Teriano P.O. Box 96331 Las Vegas, NV 89193-6331	10725-00603	10/16/2006	\$165,000.00	S